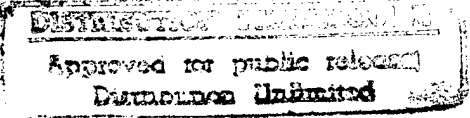


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| 13. ABSTRACT (Maximum 200 Words) This Directive reissues DoD Directive 1322.6, August 4, 1981, to establish policy and assign responsibilities under which DoD personnel may accept fellowships, scholarships, or grants from corporations, foundations, funds, or educational institutions organized and operated primarily for scientific, literary, or educational purposes. | | | |
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Department of Defense DIRECTIVE

February 24, 1997
NUMBER 1322.6

ASD(FMP)

SUBJECT: Fellowships, Scholarships, and Grants for DoD Personnel

- References:
- (a) DoD Directive 1322.6, "Fellowships, Scholarships, and Grants for Members of the Armed Forces," August 4, 1981 (hereby canceled)
 - (b) DoD 1400.25-M, "Civilian Personnel Manual," Chapter 410, "Training," October 1, 1985, authorized by DoD Directive 1400.25, January 24, 1978
 - (c) DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense,"
 - (d) Title 10, United States Code
 - (e) through (l), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to establish policy and assign responsibilities under which DoD personnel may accept fellowships, scholarships, or grants from corporations, foundations, funds, or educational institutions organized and operated primarily for scientific, literary, or educational purposes.

B. APPLICABILITY AND SCOPE

This Directive applies to:

1. The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard (when assigned to the Navy).
2. All DoD civilians, in accordance with reference (b), and military personnel, whose compensation is funded from Defense appropriations, notwithstanding provisions of law that authorize the Department of Defense or its Components to provide support directly to non-DoD Agencies, who are in receipt of fellowships, scholarships, or grants. Personnel performing duties outside the Department of Defense under a detail are governed by reference (c).

C. DEFINITIONS

1. Fellowship. An assignment in which selected DoD personnel work away from the Department of Defense for a specified time to gain education or experience of value to the DoD Component and the gaining organization. The person serving in the fellowship shall be known

as the "fellow." Fellowships are generally offered by corporations, foundations, funds, or educational institutions meeting the eligible donor criteria of subsection D.1., below. These eligible donors administer the fellowship. The Department of Defense continues to pay normal pay and allowances to the fellow while assigned to the fellowship. In return for selection to this education-based fellowship, the fellow is required to serve with the Department of Defense for the period specified in the agreement with the Secretary concerned under Chapter 155 of 10 U.S.C. (reference (d)), which normally will be three times the length of the fellowship.

2. Grant. A monetary contribution to the education of Military Services members, of which the money does not have to be paid back to the grantor. Following the grant, recipients shall serve on active duty for the period specified in the agreement with the Secretary concerned under Chapter 155 of reference (d), which normally will be three times the length of the education.

3. Scholarship. A grant-in-aid awarded to a student for full-time study leading to a degree. Return payment for the scholarship shall be service with the Department of Defense for the period specified in the agreement with the Secretary concerned under Chapter 155 of reference (d), which normally will be three times the length of the scholarship. The service would be related to the field of study sponsored by the organization that paid the scholarship.

D. POLICY

1. Eligible Donors. The following shall be eligible as donors of fellowships, scholarships, or grants:

a. Corporations, foundations, funds, or educational institutions organized and operated primarily for scientific, literary, or educational purposes and that enjoy tax-exempt status under 26 U.S.C. (reference (e)), as determined by the General Counsel of the Military Department concerned.

b. Corporations, foundations, funds, or educational institutions that would qualify as tax-exempt organizations under paragraph D.1.a., above, but for the fact that they are foreign corporations, foundations, funds, or educational institutions, as determined by the General Counsel of the Military Department concerned.

c. Any other corporation, foundation, fund, or educational institution not covered by paragraphs D.1.a. and b., above, that the Assistant Secretary of Defense for Force Management Policy (ASD(FMP)), or designee, has determined operates primarily for scientific, literary, or educational purposes.

2. Ineligible Donors. Business groups operating for profit and political organizations are ineligible donors.

3. Eligible Recipients. The following conditions must be satisfied (unless waived on an individual basis by the ASD(FMP) or designee) before DoD personnel may be found eligible for receipt of a fellowship, scholarship, or grant:

a. A recipient of such an award must be a winner of a competition in which the members were authorized to compete by their DoD Component, if the purpose of the fellowship, scholarship, or grant is education or training. Where there is civilian promotion potential, competitive procedures must be used. (See Section 302(a)(1) of 5CFR, reference (f).) If the purpose is to recognize outstanding performance or to permit work on a project of value to the United States, this requirement does not apply.

b. The education or training to be received or the research to be performed by the recipient must be designed to qualify the recipient to satisfy a requirement or potential requirement of the Department of Defense, contribute to the recipient's recognized potential for career service, or constitute a contribution to a project of value to the United States.

c. The recipient shall agree in writing to serve on active duty after completing his or her education or training for a period at least three times the length of the period of the education or training. No agreement to serve on active duty is required if the award's acceptance does not require relief from regular military duty for more than 26 weeks; or if the purpose of the award is to permit the member to work on a project of value to the United States rather than to fulfill requirements of an academic degree.

4. Legislative Fellowships

a. Legislative fellowships educate DoD personnel on the workings of the Legislative Branch of Government with the intent of assigning the legislative fellows to follow-on tours in which the education gained by the fellowship can be used.

b. DoD benefits from the assignment of its personnel to the Legislative Branch of Government by bringing the military's unique perspective to the process of drafting and passing legislation and by affording the incumbent the opportunity to learn about the legislative process.

c. Legislative fellows shall undergo a competitive selection process.

d. Numerous restrictions are placed on DoD civilian employees and military personnel regarding partisan political activities. Legislative fellows and their DoD Component must ensure strict compliance with applicable laws, the Joint Ethics Regulation (reference (g)), and DoD Directives 1000.17 and 1344.10 (references (c) and (h)). Enclosure 2 contains guidelines for avoiding political activities and specific references for use by fellows and their supervisors. Fellows are responsible for becoming familiar with enclosure 2. The DoD Component shall provide a copy of enclosure 2 to its fellows' supervisors in the gaining organization of the Legislative Branch, to inform the supervisors of the restrictions and to ensure that training is provided in accordance with section E., below.

5. Annual Request. Annually, the Heads of the DoD Components or their respective designated representatives shall forward information concerning donor institutions and positions in which the recipients of all fellowships, scholarships, and grants will be assigned, using

enclosure 3. The ASD(FMP) shall accept and evaluate all submitted fellowships, scholarships, and grants for relevancy to ensure that the donor's institutional goals and objectives comply with law and policy; that they foster the purpose of the stated fellowships, scholarships, and grants; and that the fellowships, scholarships, and grants are in the best interests of the Department of Defense. The ASD(FMP) shall refuse to approve any submissions that do not meet the above criteria and shall establish and publish an approved list of all fellowships, scholarships, and grants.

6. Receipt of Benefits for Uniformed Members

a. Maximum Amount Acceptable

(1) The benefits that may be accepted under a fellowship, scholarship, or grant by a member for the purpose of education and training are limited to an amount not to exceed the cost of sending the member to the same school at Government expense.

(2) In computing the costs of sending the member to the same school at Government expense, these costs should be included: tuition; books; educational supplies and services; transportation of dependents and household goods; basic allowances for quarters and subsistence; overseas cost-of-living and housing allowances; and dislocation allowance.

(3) For determining the maximum amount that may be accepted under the fellowship, scholarship, or grant, estimates of the total value of the fellowship, scholarship, or grant and the costs of sending the member to the same school at Government expense may be used where definitive figures are not available.

b. Deductions from Allowances

(1) Active duty members of the Military Services are entitled to the pay and allowances authorized by law and regulations.

(2) When benefits under the fellowship, scholarship, or grant (cash or in kind) are for travel expenses, quarters or subsistence allowances, or other expenses, an appropriate reduction shall be made from any payment that is made for the same purpose to the member by the United States incident to his or her acceptance of the fellowship, scholarship, or grant.

(3) When the fellowship, scholarship, or grant does not specify an amount for travel, subsistence, quarters, or other expenses, and the cost to the Government of sending the member to the same school exceeds the benefits under the fellowship, scholarship, or grant, the requirements of subparagraph D.6.b.(1), above, may be complied with as follows:

(a) Permit the member to accept the full amount of the fellowship, scholarship, or grant, provided that it does not exceed the limit set by law, as explained in subparagraph D.6.b. (1), above.

(b) Estimate the total cost of tuition, books, fees, and related expenses.

(c) Deduct this amount from the total value of the scholarship.

(d) Any balance may be assumed, in the absence of evidence to the contrary, to cover travel, quarters, subsistence, and other expenses that the Government furnishes in kind or for which the Government pays an allowance authorized by law and regulation.

(e) Any balance may be deducted from the member's allowances in installments during the period covered by the scholarship year.

(f) A final adjustment shall be made at the end of each scholarship year.

(g) When a balance remains under subparagraph D.6.b.(3)(e), above, the member shall agree, in writing, to have the balance withheld in installments from allowances otherwise due.

7. Courses of Study. Courses of study for education or training that have direct Military Service application shall be favored when approving the acceptance by members of fellowships, scholarships, or grants. Other courses of study that enrich the member's knowledge or skill to the benefit of the Military Services or the United States may also be approved.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense for Force Management Policy, under the Under Secretary of Defense for Personnel and Readiness, shall:

a. Approve the annual list of fellowships, scholarships, and grants from among those submitted by the Services and Components in the annual requests.

b. Maintain oversight of the fellowship program.

2. The Secretaries of the Military Departments and the Heads of the other DoD Components shall:

a. Using enclosure 3, annually request approval from ASD(FMP) for all fellowships, scholarships, and grants proposed.

b. Establish processes to review and select DoD personnel for fellowships, scholarships, and grants.

c. Ensure that the Designated Agency Ethics Official, or appropriate ethics counselor, trains legislative fellows in the proper conduct on political activity.

d. Establish processes whereby the Component's Legislative Affairs and/or Liaison Office maintains contact with legislative fellows during the fellows' time in the Legislative Branch, and periodically reviews the fellows' duties to ensure compliance with DoD 5500.7-R and DoD Directive 1344.10 (references (g) and (h)) and this Directive.

3. The Secretaries of the Military Departments shall:

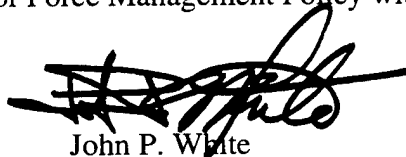
- a. Prescribe procedures to implement this Directive, ensuring compliance with the obligated service mandated in 10 U.S.C. 2603 (reference (d)).
- b. Develop a training program to ensure DoD personnel working in the Legislative Branch understand their responsibilities concerning avoiding political activities.
- c. Ensure that the General Counsels determine whether corporations, foundations, funds, or educational institutions qualify as tax-exempt organizations and review enclosure 3.

F. INFORMATION REQUIREMENTS

The DoD internal reporting requirement in subsection D.5., above has been assigned Report Control Symbol DD-P&R(A)2010 in accordance with DoD 8910.1-M (reference (i)).

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense for Force Management Policy within 120 days.



John P. White
Deputy Secretary of Defense

Enclosures - 3

- 1. References
- 2. Guidelines for Avoiding Political Activities
- 3. Sample Annual Request

REFERENCES, continued

- (e) Title 26, United States Code, as amended (Section 501 of the Internal Revenue Code of 1986)
- (f) Title 5, Code of Federal Regulations
- (g) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1993, authorized by DoD Directive 5500.7, August 30, 1993
- (h) DoD Directive 1344.10, "Political Activities by Members of the Armed Forces on Active Duty", June 15, 1990
- (i) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," November 1986, as authorized by DoD Directive 8910.1, June 11, 1993
- (j) Title 5, United States Code
- (k) Title 2, United States Code
- (l) Title 18, United States Code

GUIDELINES FOR AVOIDING POLITICAL ACTIVITIES

A. INTRODUCTION

1. This enclosure includes the relevant statutory and regulatory restrictions on political activities for military and DoD civilian personnel selected to serve legislative fellowships or details. It is not intended to be the sole source of restrictions on political activities. Fellows and detailees are encouraged to contact their designated ethics counselor to resolve any question of interpretation.

2. Federal law and DoD regulation encourage Federal employees to exercise fully, freely, and without fear of penalty or reprisal, their right to participate in the Nation's political processes to the extent not expressly prohibited by law under 5 U.S.C. 7321 (reference (j)). DoD civilian employees and members of the Armed Forces are encouraged to "carry out the obligations of citizenship to the maximum extent possible," consistent with restrictions imposed by law and regulation. (See DoD 5500.7-R, Section 6-200c (reference (g))). However, the following restrictions on political activities apply.

B. POLITICAL ACTIVITIES OF MILITARY PERSONNEL

1. Permitted Activities. Members of the Armed Forces on active duty may:

- a. Register, vote, and express their personal opinions on political candidates and issues, but not as representatives of the Armed Forces;
- b. Encourage other military members to vote, without attempting to influence or interfere with the outcome of an election;
- c. Contribute money to political organizations, parties, or committees favoring a particular candidate or slate of candidates, subject to certain contribution limits (2 U.S.C. 441 (reference (k)));
- d. Attend partisan and nonpartisan political meetings or rallies as spectators, when not in uniform;
- e. Join a political club and attend its meetings, when not in uniform;
- f. Serve as a nonpartisan election official, if such service:
 - (1) Is not performed in uniform;
 - (2) Does not interfere with military duties; and
 - (3) Is approved by the installation commander;

g. Sign a petition for legislative action or to place a candidate's name on the ballot, but only in the military member's personal capacity;

h. Write a letter to the editor expressing personal views on public issues or political candidates;

i. Display a political bumper sticker on the member's private vehicle.

2. Prohibited Activities

a. Statutory Restrictions. Members of the Armed Forces on active duty generally may not campaign for, or hold, elective civil office in the Federal Government, or the government of a State, territory, the District of Columbia, or any political subdivision thereof under 10 U.S.C. 973 (reference (d)), except:

(1) Officers on active duty may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation. (See Section 973(c) of reference (d); and DoD Directive 1344.10, Change 1, paragraph D.3.c. (reference (h)).)

(2) If circumstances warrant, the Secretaries of the Military Departments or their designees may permit members on active duty to file for elective office, but such permission does not authorize prohibited partisan political activity.

b. Regulatory Restrictions

(1) Political activities of members of the Armed Forces are governed by reference (h), as implemented by the Military Departments. The Hatch Act Reform Amendments and the implementing Office of Personnel Management regulations do not apply to members of the Uniformed Services. (See 5 U.S.C. 7322(l) (reference (j)) and 5 CFR 734.101 (reference (f)).)

(2) DoD Directive 1344.10 (reference (h)) applies to members of the Armed Forces on active duty. "Active duty" means full-time duty in an active Military Service, regardless of duration or purpose, including full-time training duty; annual training; attendance at Service schools while in the active Military Service; and full-time National Guard duty. Reference (h) does not apply to members of the Armed Forces while performing inactive duty training or State active duty.

(3) Members of the Armed Forces on active duty MAY NOT:

(a) Participate in partisan political management, campaigns, or conventions (e.g., by writing and publishing partisan articles that solicit votes for or against a political party or candidate; serving with or sponsoring a partisan political club; speaking before partisan political gatherings; participating in partisan political radio or television shows; conducting political opinion surveys for partisan political groups; distributing partisan political literature;

participating in partisan political parades; or displaying large political signs, banners, or posters on a private vehicle);

(b) Be assigned to perform duties in the Legislative or Judicial Branch, except under a fellowship, scholarship, or grant approved by ASD(FMP) under this directive for a specific duration, to perform work that does not involve partisan political activities;

(c) Be assigned to perform duties in the Legislative or Judicial Branch, except under a detail for a specific duration, to work on a specific project or projects of DoD interest not involving partisan political activities, and as a member of a staff of a Committee of the Congress under DoD Directive 1000.17;

(d) Use contemptuous words against the President, Vice President, Congress, the Secretaries of Defense and Transportation, or the Military Departments, or the governors or legislatures of any State or territory where the military member is on duty. (See 10 U.S.C. 888, reference (d));

(e) Engage in fund-raising activities for partisan political causes on military reservations or in Federal offices or facilities;

(f) Attend partisan political events as an official representative of the Armed Forces; or

(g) Campaign for, or hold, elective civil office, except as discussed in paragraph B.1.c. of this enclosure, above.

(3) DoD Directive 1344.10 (reference (h)) does not restrict participation in local nonpartisan political campaigns, initiatives, or referendums (i.e., activities that do not involve candidates or issues specifically identified with National or State political parties or associated organizations) provided the member:

(a) Does not participate while in uniform;

(b) Does not use Government facilities or resources;

(c) Avoids activities that interfere with his or her official duties that are likely to discredit the Armed Forces, or imply that the Department of Defense has taken an official position on, or is otherwise involved in, the local campaign or issue.

(4) The "spirit and intent" of reference (h) prohibits any activity that may be viewed as directly or indirectly associating the Department of Defense with a partisan political cause or candidate.

C. POLITICAL ACTIVITIES OF DoD CIVILIAN EMPLOYEES

1. Permissible activities. All DoD civilian employees may:
 - a. Run for public office in nonpartisan elections;
 - b. Register and vote as they choose;
 - c. Assist in voter registration drives;
 - d. Express opinions about candidates and issues;
 - e. Contribute money to political organizations;
 - f. Attend political fund-raising functions;
 - g. Attend and be active at political rallies and meetings;
 - h. Join and be an active member of a political party or club;
 - i. Sign nominating petitions;
 - j. Campaign for or against referendum questions, constitutional amendments, or municipal ordinances;
 - k. Campaign for or against candidates in partisan elections;¹
 - l. Make campaign speeches for candidates in partisan elections;²
 - m. Distribute campaign literature in partisan elections;³ and
 - n. Hold office in political clubs or parties.⁴ (See DoD 5500.7-R, Section 6-201, reference (g).)
2. Prohibited Activities. DoD civilian employees may not:
 - a. Use their official authority or influence for the purpose of interfering with or affecting the result of an election. (See Section 7323(a)(1) of 5 U.S.C. (reference (j)) and Section 6-203a of reference (g);

¹ Additional restrictions, not listed here, may apply to special categories of personnel such as political appointees, Senior Executive Service members, and administrative law judges. Consult your ethics counselor for further information.

² Same as above note.

³ Same as above note.

⁴ Same as above note.

b. Solicit, accept or receive a political contribution; solicit, accept, or receive uncompensated volunteer services from a subordinate; or allow their official titles to be used in connection with fundraising activities. (See Section 7323(a)(2) of 5 U.S.C. (reference (j)) and Section 6-203b and h of DoD 5500.7-R (reference (g)).);

(1) This prohibition does not bar civilian employees from soliciting, accepting or receiving a political contribution to a multi-candidate political committee from a fellow member of a Federal labor organization, as long as the solicited employee is not a subordinate, and the activity does not violate the restrictions discussed in Section 7323(a)(2)(C) of reference (j).

(2) Civilian employees may receive and accept political contributions in partisan elections held in certain designated communities, including Washington, DC and its suburbs, but soliciting contributions is prohibited even in these designated communities. (See Section 7325 of reference (j) and Section 6-204b of reference (g).)

c. Run for nomination or election to public office in a partisan election, except as an independent candidate in local partisan elections within certain designated communities, as long as candidacy for and service in the civil office will not interfere with the employee's performance of duty or create an actual or apparent conflict of interest. (See Sections 7323(a)(3) and 7325 of reference (j) and Section 6-204 of reference (g).);

d. Solicit or discourage the political activity of any person who is a participant in any matter before or being carried out by the Department of Defense. (See Section 7323(a)(4) of reference (j) and Section 6-203c of reference (g).);

e. Engage in political activities (to include wearing political buttons) while on duty; while in a Government-occupied office or building; while wearing an official uniform, badge, insignia, or other similar item; or while using a government vehicle. (See Section 7324(a) of reference (j) and Section 6-203d. through g. and j. of reference (g).); or

f. Make a political contribution to their employer or employing authority. (See Section 603 of 18 U.S.C. (reference (l)) and Section 6-203k of reference (g).)

D. LOBBYING AND RELATED ACTIVITIES

1. The "Anti-Lobbying Act," 18 U.S.C. 1913 (reference (l)), prohibits the expenditure of Federal appropriations in furtherance of grass roots lobbying efforts, where an attempt is made to induce the public to contact Congress and persuade Members to support or oppose pending legislation. Section 1913 of reference (l) does not prohibit agency officials from expressing their views on the merits or deficiencies of legislation, even if their objective is to persuade the public to support the agency's position, as long as they do not urge the public to contact Congress.

2. Visits to Installations

a. Members of Congress (whether or not they are candidates for reelection) may visit installations to receive briefings, tours and informational materials; they will be reminded that they may not use the visit as a campaign vehicle.

b. Candidates who are not Federal Government officials may be given the same access to the installation as accorded to visitors from general public.

c. Commanders will inform candidates that while on a military installation all political activities and media events are prohibited.

d. Media may be allowed photo opportunities to cover arrivals or departures of President, Vice President or Speaker in military aircraft on military installation.

3. Involvement in Political Events. DoD policy prohibits Armed Forces involvement in political events, except for provision of Joint Armed Forces color guard for opening ceremonies of the national political conventions. All requests for community relations support (e.g., bands, color guards, personnel and speakers) to political meetings, ceremonies, and like events, whether on or off the installation, must be denied.

SAMPLE ANNUAL REQUEST

SUBJECT: Annual Request on Positions for Which Personnel Will Receive Fellowships, Scholarships, and Grants

Reference: DoD Directive 1322.6, "Fellowships, Scholarships, and Grants for DoD Personnel"

The following information shall be submitted annually on 1 August.

FELLOWSHIPS

| | | |
|---|--|-----------------------|
| Name: CDR John Smith, USN | Date Start: Jan 97 | Date Complete: Nov 97 |
| Donor Agency: Brookings Institute | Donor Goals: Educate on domestic policy | |
| Gaining Organization: Senate Armed Services Cmte | Purpose: Learn about the legislative process | |

SCHOLARSHIPS

| | | |
|---|--|-----------------------|
| Name: MAJ Lisa Doe, USA | Date Start: Jul 97 | Date Complete: Jun 98 |
| Donor Agency: University of Maryland | Donor Goals: Education | |
| Gaining Organization: University of Maryland | Purpose: Doctoral dissertation in Military History | |

GRANTS

| | | |
|--|--------------------------------------|-----------------------|
| Name: 2Lt Joe Alfa, USAF | Date Start: Jan 97 | Date Complete: Jun 97 |
| Donor Agency: Syracuse University | Donor Goals: Education | |
| Gaining Organization: Syracuse University | Purpose: Advanced Engineering degree | |